IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6536 of 1988

Between:

T.K.Narayana Murthy, Accountant, O/o.The Development
A.P.Khadi and V.I.Board District Industries Centre
A.K.Nagar, Nellore-524004.

..... PETITIONER

AND

1 The A.P Khadi and Village Industries Board Rep by its Chief

Executive Officer, Humayun Nagar Hyderabad-028.
2 Sri.K.B.Punnaiah, O/o.The Functional Managar A.P.khadi and Village

Industries Board, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ , order or direction, directing the 1st Respondent herein to revise the salary of the petitioner and bring the same on par with that of his junior viz., Sri.K.B.Punnaiah the 2nd respondent herein from the date of 24-6-1981 from which he has been drawing more pay than the petitioner in the present category of Accountants.

Counsel for the Petitioner:MR.T.K.SRIDHAR

Counsel for the Respondent Nos. 1 & 2.MR.V. T.M. Prasad.

The Court at the admission stage made the following:

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ORDER:

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This writ petition is filed seeking a writ of mandamus directing the first respondent to revise the salary of the petitioner on par with his junior by name K. B. Punnaiah i.e., the second respondent herein with effect from 24-6-1981.

It is the case of the petitioner that he along with the second respondent and some others has been promoted as Accountant in the first respondent Board with effect from 11-6-1981. His services in the cadre of Accountant were regularized by proceedings dated 22-10-1985. On 25-2-1988, the first respondent released a seniority list in the cadre of Accountants wherein his name was shown at Sl.No.1 and the name of the second respondent was shown at Sl.No.7. Therefore, he is senior to the second respondent in the cadre of Accountant, but the second respondent is drawing more salary though he is junior to him. Therefore, he made a representation dated 29-1-1988 requesting the first respondent to refix his pay on par with the second respondent with effect from 24-6-1981. He also reminded the first respondent on 10-3-1988, but there was no response from the first respondent. Hence, the writ petition.

It is the assertion made by the petitioner that the equal pay should be paid for equal work. Further, he and the second respondent belong to one cadre i.e., Accountant and they were discharging the same duties and responsibilities. Therefore, it is unjust on the part of the first respondent to deny the salary to him on par with the second respondent and it is also violative of Articles 14 and 16 of the Constitution of India.

Except the above assertions, no details are forthcoming as to the pay scale, in which the petitioner and the second respondent were put in and what exactly the difference of pay scale between him and the second respondent, which is denied to him. The exact grievance of the petitioner is that his junior is drawing more salary than him. Since no details of pay scale of the petitioner as well as the second respondent are furnished, it is difficult to decide the matter only on the basis of vague allegations mentioned in the affidavit. The purported representation dated 29-1-1988 and the reminder dated 10-3-1988, which were furnished along with the petition, do not disclose any details of pay scale.

In view of the above circumstances, the writ petition is vague in nature and no mandamus can be issued on the basis of vague and indefinite allegations mentioned in the affidavit. Therefore, the writ petition is devoid of merit and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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24-03-2005

To

1. The Chief Executive Officer, A.P Khadi and Village Industries Board, Humayun Nagar Hyderabad-028.
2. Two C.D. copies.

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